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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ROBERT HOLMES, *et al.*,

10 Plaintiffs,

11 v.

12 YCT. NOVA, *et al.*,

13 Defendants.

Case No. C16-1422RSL


ORDER DENYING MOTION TO
DISMISS INDIVIDUAL CAPACITY
CLAIMS

14 This matter comes before the Court on “Defendant Stephen Yadvish’s Federal
15 Rule of Civil Procedure 12(c) Motion to Dismiss Claims Against Him in His Individual
16 Capacity.” Dkt. # 37. Defendant argues that the only claims asserted against him are
17 based on his status as a shareholder and officer of defendant Yachtfish Marine, Inc. He is
18 incorrect. Mr. Yadvish is accused of personally acting in a way that harmed plaintiffs.
19 Corporate shareholders, officers, and agents can be held liable for their own wrongful
20 conduct even if the actions were taken within the scope of their duties for the corporation.
21 Dodson v. Economy Equip. Co., 188 Wash. 340, 343 (1936). Such liability is not based
22 on an alter ego theory and does not require piercing the corporate veil. Grayson v. Nordic
23 Constr. Co., Inc., 92 Wn.2d 548, 553-54 (1979).

24 The allegations of the complaint adequately allege claims against Mr. Yadvish
25 based on his own tortious conduct, regardless of whether he was acting on his own behalf,
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1 on behalf of Yachtfish Marine, Inc., or on behalf of his partnership with defendant S.B.
2 Joseph Clark. In addition, Mr. Yadvish has asserted a maritime lien which plaintiffs seek
3 to expunge. The motion to dismiss plaintiffs' claims against Mr. Yadvish in his individual
4 capacity is DENIED.

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6 Dated this 20th day of April, 2017.

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8 Robert S. Lasnik
9 United States District Judge
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